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CONSERVATION COMMISSION

DIVISION OF INLAND WATERS

RULES AND REGULATIONS

GOVERNING

WATER SUPPLY APPLICATIONS



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STATE OF NEW YORK  
CONSERVATION COMMISSION

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DIVISION OF INLAND WATERS

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RULES AND REGULATIONS

GOVERNING

WATER SUPPLY APPLICATIONS

WITH THE PROVISIONS OF THE

CONSERVATION LAW

DEFINING THE

JURISDICTION OF THE COMMISSION

OVER

PUBLIC WATER SUPPLIES

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1912

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STATE OF NEW YORK  
CONSERVATION COMMISSION

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GEORGE E. VAN KENNEN  
JAMES W. FLEMING  
JOHN D. MOORE

Commissioners.

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RICHARD W. SHERMAN, Chief Engineer  
ALBERT E. HOYT, Secretary



Such applications shall be made by verified petition in writing accompanied by exhibits and documents as hereinafter enumerated and shall be addressed to the **Conservation Commission, Albany, N. Y.**

**2. Approval of application required.**—Before the applicant shall have authority to acquire or take any new or additional source of supply or to acquire any lands for a new or additional source of water supply, or to extend existing works outside of the limits of the civil division of the State or original franchise limits, the application must be approved by the Commission.

**3. Modification of petition.**—The Commission may require the petition to be modified both in substance and in form.

**4. Form of petition.**—The petition shall contain a concise statement of all facts from which the Commission may be enabled to determine whether the plans are justified by public necessity; whether they provide for the proper and safe construction of all works connected therewith; whether they provide for the proper protection of the supply and watershed from contamination or provide for the proper filtration of such supply; whether they are just and equitable to other municipalities and civil divisions of the State, and whether they make proper provision for the payment of any and all legal damages, either direct or indirect, to persons or property, and it shall state briefly:

(a) The legal status of the petitioner, and if the petitioner is a municipality or water district, the date and chapter of the laws organizing the municipality or water district and, if a water company, the date on which and the capital with which the company was incorporated, and a reference to any statute particularly referring to the petitioner.

(b) The official capacity and the authority of the person or persons verifying the petition.

(c) The reasons for considering additional water supply at the time of application, whether on account of immediate necessity, or on account of future probable requirements, or both.

(d) A statement of the principal facts with reference to quality, quantity, water rates and fire protection afforded by the existing water supply system, if any.

(e) A statement of population affected (1) as of the last official census, (2) as estimated at present.

(f) A general statement of all available sources of supply, with particular reference to their relative availability and probable cost,

sufficiency and suitability, and the reasons for the choice of the particular supply for which application is made.

(g) A statement of the assets and liabilities of the petitioner, and if a municipality, the total assessed valuation of property as indicated by the last assessment-roll.

(h) If the petitioner is a water district, a statement of its boundaries, and the total assessed valuation of property in the district; if a water works company, a statement of its franchise limits.

The petition shall also contain a detailed list of all exhibits accompanying the same, each exhibit being designated by a letter of the alphabet, which shall also be clearly written on the exhibit.

**5. Exhibits to accompany petition.**—The petition shall be accompanied by the following exhibits: (a) a general map of the proposed new system and the existing system, if any; (b) a map of the lands proposed to be acquired or occupied, (c) a section of the United States Geological Survey topographic map showing the territory and watershed affected, (d) profiles of the principal pipe lines, (e) plans of proposed structures, (f) analyses of water samples, (g) a written report of the petitioner's engineer, (h) a detailed estimate of the cost of establishing the proposed system and of operating expenses, and a statement of the average proposed rate to consumers, (i) a list of those who may be affected by the acquisition of the lands or the execution of the plans of the petitioner; and it shall also be accompanied by (j) a surety bond, if the applicant is a person or water works company and (k) a letter of transmission.

**6. Dimensions of maps.**—All maps, plans, profiles and other drawings submitted in connection with an application shall be on sheets not larger than 28 inches by 40 inches, or shall conveniently fold to these dimensions.

**7. General map.**—The general map shall have indicated thereon the relative position or location of the various lands, structures and works connected with the existing and proposed supply. The maps shall be to a suitable scale and shall show in general the location of lands to be acquired, reservoir and dam sites, pipe lines or aqueducts, pressure or storage tanks, purification works,

distributing pipe system and location of valves and hydrants, and the elevations of all controlling points such as at the point of diversion or supply, the crests and depressions in the main pipe lines or aqueducts; and the distributing pipe system and the elevations at each of the principal street intersections in the territory to be served by the proposed supply, the locations of any sewer outfalls, drains or other sources of contamination of the supply, and such other material facts as may be of assistance in furnishing an accurate representation of the general features of the proposed system. The map shall have a title endorsed thereon in the lower right hand corner substantially in the following form:

## **WATER SUPPLY**

**Village of BOLTON, Warren Co., N. Y.**

## **GENERAL MAP**

**Exhibit A to accompany Application  
before the**

## **Conservation Commission**

**July 1, 1910      Scale: 1 in. = 2000 ft.**

**JOHN SMITH, Engineer.**

8. **Land taking map.**—The land taking map shall show lands not owned by the applicant proposed to be acquired or occupied, or through which any aqueduct or pipe line is to be constructed, and shall be preferably to a scale of 100 or 200 feet to one inch and shall have indicated thereon the buildings, highways, bridges, streams and the topographic and other important features, including the boundaries of the lands proposed to be acquired and the names of the present owners. If the land indicated is for a reservoir site, the area proposed to be used for storage purposes shall have indicated thereon the surface contours of the ground



in sufficient detail to enable the capacity of the proposed reservoir accurately to be determined. The map shall have a title endorsed thereon in the lower right hand corner, substantially as above noted in Rule 7, except that it shall be designated "LAND TAKING MAP."

**9. Watershed map.**—The watershed map shall consist of a sheet or sheets of the United States Geological Survey topographic maps, provided the same are available, showing the watershed or catchment territory affected.\* Upon it shall be indicated the line of the divide surrounding the tributary watershed and the location of the territory to be served with water. If the watershed is of greater area than four sheets of the United States Geological Survey map, only those sheets showing the actual location of the proposed works will be required. The map shall have a title endorsed thereon in the lower righthand corner, substantially as above noted in Rule 7, except that it shall be designated "WATERSHED MAP."

**10. Profiles.**—Upon the profiles accompanying each application shall be indicated to suitable horizontal and vertical scales the relative distances and elevations on each of the principal pipe lines or aqueducts, the elevation at each crest or depression in each pipe line and the computed hydraulic gradient shall be clearly shown, and a title shall be endorsed thereon substantially as above noted in Rule 7, except that it shall be designated "PROFILES."

**11. Structural plans.**—Plans of proposed structures should, in general, be the contract plans and should be in sufficient detail to enable the engineers of the Commission to decide upon the adequacy, suitability and safety of the designs proposed. Each plan shall have a title endorsed thereon substantially as above noted in

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\* The sections of the United States Geological Survey topographic maps may be purchased from the Director of the Survey, at a uniform price of five cents per copy. Each quadrangle covers a section of the state, fifteen minutes in latitude and longitude respectively. A chart showing the sheets available in published form may be obtained by addressing

THE DIRECTOR,  
U. S. Geological Survey,  
Washington, D. C.

Rule 7, except that it shall be designated "Plans." In certain cases, where good reasons for so doing shall be shown, the Commission may allow these contract plans to be filed at a later date, but until the Commission shall have determined that the proposed structures will be safe, no work shall be started thereon.

**12. Analyses of water samples.**—The applicant is required to furnish both a bacteriological and chemical analysis of reliable samples of the proposed water supply. Unless these analyses are made by the State Department of Health, or other official body, they shall be verified and the competency of the analyst shall be proved at the hearing or otherwise. To the reports of analyses shall be attached the affidavit of a responsible representative of the petitioner, setting forth the fact that the samples referred to in the report submitted were taken from the proposed source of supply and stating specifically under what conditions the samples were taken and on what date, and any other material facts with reference to such samples.

**13. Engineer's report.**—The report of the engineer who made the recommendations or designs for the proposed system shall be submitted, preferably in full, and shall contain a statement of his opinion with reference to the relative availability and cost of the several available supplies and shall state in full detail the engineering features of the proposed works. The report shall embrace a general description of the present system; quantity and quality of present supply, if any; present and probable future population and consumption; a general description of the proposed system, including the location, elevation, area and capacity required or available for any proposed reservoir or tank; the character and area of the watershed tributary to the point of diversion; of the present or possible future sources of contamination and proposed methods for control of contamination and protection of the supply; the general character and extent and the essential features of the design of controlling, diverting or regulating works proposed; the estimated maximum, minimum and general average static pressures within the territory proposed to be served; the number and distribution of fire hydrants; the location, extent and character of proposed purification or other works; and

any other material facts. It is also desirable that detailed information be given with reference to measurements or estimates of rainfall or stream flow. Specifications for proposed contracts for construction shall be submitted with the contract plans.

**14. Estimates of cost and statement of proposed rate.**—The estimate of cost accompanying the petition shall state in detail the various items to be included in the cost of the proposed works for the delivery of water to the consumers, including the cost of land takings, approximate unit quantities and costs for different classes of work. It shall also include the approximate cost of maintenance and operation, the approximate yearly charge to be made for the entire supply and the proposed rates for 1,000 gallons to be charged to consumers on the completion of the work. These costs shall be given in sufficient detail to enable them to be studied and checked with facility.

**15. List of persons affected.**—The application shall be accompanied by a complete list of the names and addresses of all waterworks corporations, municipal corporations or other civil divisions of the State that, in the opinion of the petitioner, may be affected by the acquisition of lands or water rights required or the execution of the proposed plans.

**16. Surety bond.**—Individuals and waterworks corporations making applications are required to file with their petition an undertaking for the sum of \$1,000, satisfactory to the Commission with respect to surety, as guarantee for payment of expenses of hearing and determination.

**17. Letter of transmission.**—The application shall be accompanied by a letter of transmission in which the petitioner shall state the most suitable public hall or other place available for conducting the public hearing, the names and addresses and frequency of dates of publication of all local newspapers suitable for publication of the notice of the hearing, the names and addresses of the petitioner and counsel to the petitioner, and the petitioner's engineer. It shall include a detailed list of all maps and papers sent with it.

**18. Investigation by Commission's engineer.**—After an examination of the maps, plans and other documents submitted in connec-



tion with an application, an engineer in the employ of the Commission may make an investigation of the proposed source of supply at such time as the Commission may direct and submit his findings in a written report to the Commission.

**19. Notice of hearing.**— Upon the receipt and filing of a petition in proper form and other documents constituting the application, the Commission will, as soon thereafter as practicable, give public notice that on a certain day the Commission will meet at a place specified in said notice for the purpose of hearing all persons, municipal corporations or other civil divisions of the State that may be affected thereby. The notice shall be published by the petitioner in such form, in such newspapers and for such length of time, not exceeding four weeks, as the Commission shall determine; copies of the papers containing such notice shall be sent by the petitioner to the Commission on the day of publication.

Proof of publication of said notice shall be filed with the Commission on or before the day specified in said notice for the day of hearing.

**20. Objections.**—At any time prior to the day specified in such notice for the hearing, any person or municipal or other corporation or the proper authorities of any civil divisions of the State may file in the office of the Commission at Albany objections to the project proposed by the application. Every objection so filed shall be in writing and shall particularly specify the ground thereof, and no person, municipal or other corporation or civil division or their representative shall be heard in opposition to the project proposed by such application, except on objections so filed. Amendments to the objections may be permitted by the Commission.

**21. Public hearing.**—The Commission will conduct a public hearing upon the day specified in said notice or upon a subsequent day to which the Commission may adjourn the hearing and will hear the proofs and the arguments submitted in support of or in opposition to the proposed project. The person or municipal or other corporation making the petition must appear at the hearing by duly authorized representatives. The petitioner's engineer must also appear in person or send a representative fully

conversant with the conditions of the case. The objectors must appear in person or by representation. The Commission may issue subpoenas.

**22. Evidence.**—At hearings the Commission requires that particular attention shall be given by the proofs and arguments to the following questions:

(1) Are the plans proposed by the application justified by public necessity?

(2) Do the plans provide for proper and safe construction of all work connected therewith?

(3) Do the plans provide for the proper sanitary control of the watershed and proper protection of the supply, or provide for proper filtration of the supply?

(4) Are the plans just and equitable to the other municipal corporations and civil divisions of the State affected thereby and to the inhabitants thereof; particular consideration being given to their present and future necessities for sources of water supply?

(5) Do the plans make fair and equitable provision for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the acquisition of said lands or the execution of said plans?

**23. Determination by Commission.**—After the final hearing the Commission will proceed either:

(1) To approve such application and plans as presented, or

(2) To require such modifications in either or both the application and plans as the Commission may determine to be necessary.

(3) To reject the application entirely.

The Commission may permit a new application to be filed. The determination of the Commission will be in writing and will be filed together with all plans, maps, exhibits and other papers, records or documents relating to the application. All such records, papers and documents may be examined by any person at the office of the Commission but shall not be removed therefrom except temporarily upon the written order of the secretary to the Commission after the filing of a receipt therefor in form prescribed by the Commission.

**24. Expense of hearing.**—The expense of the hearing and determination by the Commission will be certified by the Commission under its official seal to the person, water works corporation, municipal corporation or other civil division of the State making the application and shall be paid by the said applicant within thirty days thereafter, upon the certificate of the Commission, to the persons entitled thereto.

**25. Approval of work.**—Before any works, the construction of which shall have been authorized by the Conservation Commission, shall be operated, they must be inspected and passed upon by the Commission. Before starting construction, the contract plans and specifications must be submitted to and approved by the Commission. These should be submitted as a part of the application, but in certain cases the Commission may allow them to be submitted later, according to requirements which will be set forth in the decision. If, for any reason, it is desired to make material changes in plans or specifications which have been approved, these must be submitted for approval. After the completion of any work, plans and specifications of which have been approved, and before the operation of such works, the officials having such works in charge shall make application to the Commission for permission to operate; this application being accompanied by an affidavit on the part of such officials and their engineer that the work has been constructed in full accord with the plans and specifications previously approved, or with such changes as may have been found necessary, which changes shall be fully shown. Upon receipt of such request, the Commission will cause the works to be inspected: if it finds that such works have been properly and safely constructed, it will then either issue a permit to operate or require such changes or additional construction as it may determine to be necessary to make the works safe. The Commission may, if the work is of sufficient importance, approve of a part of the project and allow this part to be used before the completion of the remainder.



## JURISDICTION OF THE COMMISSION

Following are the sections of the Conservation Law under which the Conservation Commission has jurisdiction over public water supplies.

### CHAPTER 647.

#### LAWS OF 1911.

### CHAPTER LXV OF THE CONSOLIDATED LAWS.

#### CONSERVATION LAW.

#### ARTICLE 9.

#### WATER SUPPLY.

#### § 520. General powers of commission in relation to water supply.

— The commission shall have the powers and perform the duties in relation to the supply of potable waters for the various municipalities, civil divisions and inhabitants of the state, set forth in this article, and as may be further provided by law.

§ 521. **Municipal corporations must submit maps and profiles of new or additional sources of water supply.**— No municipal corporation or other civil division of the state, and no board, commission or other body of or for any such municipal corporation or other civil division of the state shall, nor shall any person or waterworks corporation engaged in supplying or proposing to supply the inhabitants of any municipal corporation or other civil division of the state with water, after this chapter takes effect, have any power to acquire, or to take a water supply or an additional water supply, or to take or condemn lands for any new or additional sources of water supply, until such person, corporation or civil division has first submitted the maps, plans, and profiles therefor to the commission of conservation, as hereinafter provided, and until said commission shall have approved the same, or approved the same with such modifications as it may determine to be necessary as hereafter provided. Approval shall not be necessary of any plans heretofore approved by the state

water supply commission, or of any plans or work for a new or additional water supply or filtration plant authorized in pursuance thereof or in connection therewith, or of any plans or work for the extension of supply or distributing mains or pipes of a municipal water supply plant into and for the purpose of supplying water in any territory within the limits of the municipality owning such plant, including territory which has not been heretofore supplied with water by such plant.

§ 522. **Petition for approval of plans for water supply and proceedings thereupon.**—Any municipal corporation or other civil division of the state, or any person or waterworks corporation, may make application by petition in writing to the commission for the approval of its maps, plans and profiles of such new or additional water supply or for such new or additional source or sources of water supply. Such application shall be accompanied by an exhibit of maps of the lands to be acquired and profiles thereof showing the sites and areas of the proposed reservoirs, a plan of the other works proposed to be constructed, the profiles of the aqueduct lines and the flow lines of the water when impounded, maps, plans and surveys and abstract of official reports relating to the same, showing the need for a particular source or sources of supply and the reasons therefor, the plan proposed for protecting the new supply and watershed from contamination, or the proposed plan for filtering such new supply, and such application shall be accompanied by a plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans. Such petition shall also be accompanied by such proof as to the character and purity of the water supply proposed to be acquired as the commission shall require. If such petition is made by a person or waterworks corporation, it shall be accompanied by an undertaking in such amount and with such sureties as the commission shall determine, that such person or waterworks corporation will pay the expenses of the hearing and determination as hereinafter provided. Said commission shall thereupon cause public notice to be given that on a day therein named it will hold a public hearing at the office of the commission

in the city of Albany, or at such other place as it may particularly specify in said notice, for the purpose of hearing all persons, municipal corporations or other civil divisions of the state that may be affected thereby. Such notice shall be published in such newspapers and for such length of time, not exceeding four weeks, as the commission shall determine. At any time prior to the day specified in such notice any person or municipal corporation or the proper authorities of any civil division of the state may file in the office of the commission at Albany objections to the project proposed by such application. Every objection so filed shall particularly specify the ground thereof. Said commission shall, upon the day specified in said notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to examine the said maps and profiles and to hear the proofs and arguments submitted in support of and in opposition to the proposed project, but no person, municipal corporation or local authorities shall be heard in opposition thereto except on objections filed as authorized by this section. The commission shall determine whether the plans proposed are justified by public necessity, whether they provide for the proper and safe construction of all work connected therewith, whether they provide for the proper protection of the supply and the watershed from contamination or provide for the proper filtration of such additional supply, and whether such plans are just and equitable to the other municipalities and civil divisions of the state affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply, and whether said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands. The commission shall within ninety days after the final hearing and with all convenient speed either approve such application, maps and plans as presented or with such modifications as it may determine to be necessary to protect the water supply and the interests of the applicant or of the inhabitants of the territory supplied by it with water, or the water supply and



interests of any other municipal corporation, or other civil division of the state or the inhabitants thereof, or the water supply and interests of any other person or waterworks corporation, engaged in supplying water to any other municipal corporation or other civil division of the state or the inhabitants thereof; or to bring into co-operation all municipal corporations, or other civil divisions of the state, which may be affected thereby; or to make just and equitable the submitted plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans, or to make safe all dams or reservoirs to be constructed by said plans; or it may reject the application entirely or permit another to be filed in lieu thereof, but it shall, however, make a reasonable effort to meet the needs of the applicant with due regard to the actual or prospective needs and interests of all other municipal corporations and civil divisions of the state affected thereby and the inhabitants thereof. Whenever the commission shall make a decision on any application submitted to it, it shall state the same in writing and, if it approves, shall cause the same to be signed and the official seal of the commission affixed thereto and file the same, together with all plans, maps, surveys and other papers or records relating thereto in its office. The decision of the commission and its action on any application may be reviewed by certiorari proceedings. The expense of any such hearing and determination by the commission shall be certified by said commission to the person, waterworks corporation, municipal corporation or other civil division of the state making such application and shall be paid by said applicant within thirty days thereafter upon the certificate of the commission to the persons entitled thereto.

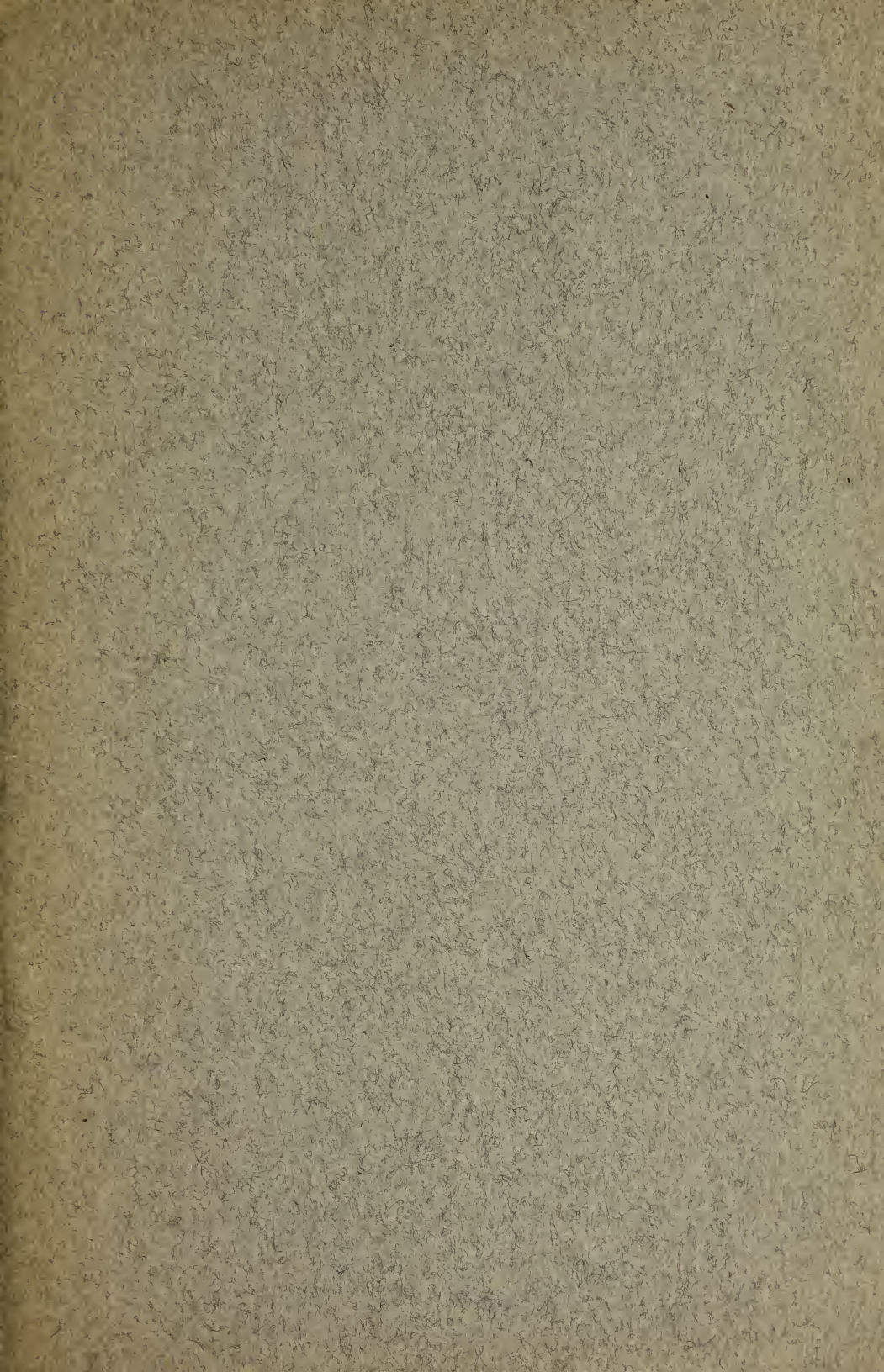
§ 523. **Approval of work.**— No new water supply system, built in accordance with plans hereafter approved by the commission, shall be operated until the work has been approved by it.

§ 524. **Water supply to be used in other states.**— No waters of this state shall be diverted without the state.

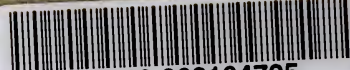
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